

REMARKS

In the Final Office Action dated October 19, 2005, the Examiner set forth the following holdings:

Claims 4-6 and 8-10 were objected to due to informalities;

Claims 4-11 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly and distinctly claim the subject matter of the invention;

Claims 6, 9 and 10 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for omitting essential structural cooperative relationships between elements;

Claims 7-8, 10 and 11 were rejected under 35 U.S.C. § 112, first paragraph as claiming subject matter not enabled by the application's disclosure;

Claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,362,612 B1 to *Harris*;

Claims 4 and 5 were indicated as reciting allowable subject matter and would be allowable but for the rejection under 35 U.S.C. § 112, second paragraph;

Claims 6 and 9 were objected to as being drawn to allowable subject matter and would be allowable if the rejections of claims 4 and 5, from which they depend, were rewritten to overcome the rejections of 35 U.S.C. § 112, second paragraph, and to incorporate any applicable limitations from their corresponding independent claims; and

Claims 10 and 11 were objected to as being drawn to allowable subject matter and would be allowable if the rejections of claims 7 and 8, from which they depend, were rewritten to overcome the rejections of 35 U.S.C. § 112, first paragraph, and to incorporate any applicable limitations from their corresponding independent claims.

By this Amendment After Final, Applicant proposes to amend the Summary of Invention, pages 5-12 of the original specification, to reflect the language of the claims as now presented. No new matter is being added.

Further, Applicant proposes to cancel claims 1-3 and 7-9, amend claims 4-6, 10 and 11, and add claims 12 and 13. Claims 4-6, 10 and 11 are amended to further clarify the previously claimed subject matter. The subject matter recited in new claims 12 and 13 generally relates to the subject matter previously recited in claim 9. Upon entry of this Amendment, claims 4-6 and 11-13 will remain pending.

Cancellation of Claims 1-3 and 7-9

Applicant respectfully traverses the above-noted objections and rejections of claims 1-3 and 7-9. However, to expedite prosecution of this case, Applicant has canceled claims 1-3 and 7-9. The objections and rejections of claims 1-3 and 7-9 are therefore moot. Applicant reserves the right to pursue the subject matter previously recited in claims 1-3 and 7-9 in the future.

Addition of Claims 12 and 13

By this amendment, Applicant adds claims 12 and 13. New claims 12 and 13 depend from independent claims 4 and 5, previously indicated by the Examiner as reciting allowable subject matter. (Office Action, pp. 9:17-10:2.) Accordingly, claims 12 and 13 are allowable at least due to their dependence from claims 12 and 13. In addition, Applicants respectfully submit that the subject matter recited in claims 12 and 13 is neither taught nor suggested by the applied prior art.

Objection to Claims 4-6 and 10

In the Office Action, the Examiner objected to claims 4-6 and 10 for several grammatical informalities. (Office Action, pp. 3:18-4:17.) By this amendment, claims 4-6 and 10, are amended to correct the informalities in accordance with the Examiner's recommendations. Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw the objections to claims 4-6 and 10.

Rejection of Claims 4-6, 10 and 11 Under 35 U.S.C. § 112, Second Paragraph

Claims 4-6, 10 and 11 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly and distinctly claim the subject matter of the invention.

With regard to claims 4, 5 and 11, the Examiner asserts that the recited "one of the plurality of first pnp transistors being grounded" is indefinite because it is unclear which of the plurality of transistors has its base grounded. (Office Action, p. 6:10-13.) In accordance with the Examiner's recommendation, Applicant proposes to amend claim 4 to recite "a first one of the plurality of first bipolar transistors being grounded" (emphasis added). Accordingly, Applicant submits that claim 4, as amended, particularly and distinctly recites the subject matter of the invention and, therefore, respectfully requests reconsideration and withdraw of the rejection of claim 4 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 5 and 11 for the same reason as claim 4. (Office Action, p. 6:13-17.) Therefore, similarly to claim 4, Applicant also proposes to amend

claims 5 and 11 to recite “a first one.” Accordingly, Applicant submits that claims 5 and 11, as amended, particularly and distinctly recites the subject matter of the invention and, respectfully requests reconsideration and withdraw of the rejection of claims 5 and 11 under 35 U.S.C. § 112, second paragraph as well.

With further regard to claim 11, the Examiner asserts that claim 11 is indefinite under 35 U.S.C. § 112, second paragraph because the claimed “first and second current sources” do not correlate to the illustration of Fig. 2. (Office Action, pp. 6:17-7:1.) Furthermore, the Examiner questions how the elements recited in claim 11 correspond to similar claim features recited in claims 4 and 5, from which claim 11 depends. (Office Action, p. 7:1-4.) For example, the Examiner queries as to whether the “first and second current sources” recited in claim 11 are associated with the “current sources” recited in claim 5 from which claim 11 depends. (*Id.*) Similarly, the Examiner questions how the “first npn transistor and second npn transistor,” recited in claim 11 correspond to the “plurality of first npn transistors and plurality of second npn transistors” recited in claim 5. (*Id.*)

In order to further clarify to claimed subject matter, Applicant proposes to amend claim 11 to recite, *inter alia*, “a first npn differential pair transistor,” “a second npn differential pair transistor,” “first and second secondary current sources,” “a plurality of third npn differential pair transistors,” and a “plurality of fourth npn differential pair transistors.” In light of the proposed amendments to claim 11, Applicant submits that claim 11 particularly and distinctly recites the claimed subject matter. Therefore,

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 11 under 35 U.S.C. § 112, second paragraph.

Although not rejected under 35 U.S.C. § 112, second paragraph, claim 10 recites similar subject matter as that of claim 11. Accordingly, Applicant has made similar changes to claim 10 to further clarify the subject matter recited in claim 10 with regard to claims 4 and 5, from which claim 10 depends.

Rejection of Claims 6 and 10 Under 35 U.S.C. § 112, Second Paragraph

Claims 6 and 10 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite allegedly for omitting essential structural cooperative relationships between elements. (Office Action, p. 5:20-22.) The Examiner asserts that the claims the relationship between the “differential amplifier,” as recited in claims 6 and 9, and the “constant voltage generating circuit” and the “first and second input terminals” recited in claims 4 and 5, from which claim 6 depends is indefinite.

With regard to claim 6, the recited “differential amplifier” is disclosed as a component of the “current control means.” (See, e.g., amended Specification, pp. 7:18-8:4 and 8:20-9:7.) Accordingly, to clarify the relationship between the “differential amplifier” and the “current control means.” Applicant proposes to amend claim 6 to recite, “said current control means further comprises a differential amplifier.”

Applicant submits that that claim 6, as amended, sufficiently describes the structural relationship between the recited “differential amplifier” and the “current control means” recited in claims 4 and 5, from which claim 6 depends. Applicant therefore

respectfully requests that the Examiner reconsider and withdraw the rejection of claim 6 under 35 U.S.C. § 112, second paragraph.

Claim 10 also depends from claims 4 and 5, and recites “a differential amplifier.” Accordingly, Applicant proposes to amend claim 10 to recite “wherein said current control means further comprises a differential amplifier” to clarify the relationship between the elements recited 10 and those recited claims 4 and 5. Therefore, for similar reasons given above for claim 6, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 10 under 35 U.S.C. § 112, second paragraph.

Although not rejected under 35 U.S.C. § 112, second paragraph, claim 11 recites similar subject matter to that recited in claim 10, and thus Applicant proposes corresponding changes to claim 11 as well.

Rejection of Claims 10 and 11 Under 35 U.S.C. § 112, First Paragraph

Claims 10 and 11 were rejected under 35 U.S.C. § 112, first paragraph as allegedly claiming subject matter not enabled by the application’s disclosure. (Office Action, p. 5:1-16.) In particular, Examiner’s rejection appears to stem from the dependence of claims 10 and 11 from claims 7 and 8. By this Amendment, however, Applicant proposes to amend claims 10 and 11 so that both depend from claims 4 and 5. Accordingly, the rejection under 35 U.S.C. § 112, first paragraph is moot.

Conclusion

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 4-6 and 10-13 in condition for allowance. Applicant submits that the proposed amendments of claims 4-6 and 10-13 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this amendment should allow for immediate action by the Examiner.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 18, 2006

By: 

Steven L. Ashburn
Reg. No. 56,636